

In addition to these, there will be submitted to you separate messages upon subjects confided to the direction of the Chief Executive, as upon quarantine, upon appropriations under the control of the Governor, upon the sale and exchange of bonds authorized to be issued by the Sixteenth Legislature, and upon loans to railroad companies of the special school fund.

These reports and messages, with the others that have previously been referred to, are designed to exhibit to the Legislature a full and complete view of the operations of the government, during the two preceding years of my administration, and to present for consideration such recommendations of amendment, as have been shown to be necessary, which I most respectfully recommend to your favorable consideration. To some of them, it is designed to call your attention more especially hereafter as the basis of recommendation. When they shall have been fully examined, it is confidently believed that, notwithstanding the general reduction of expenses, you will find that in every department and branch of the governmental service their efficiency has been sustained and generally increased, and that more system has been introduced, and that they are in better condition now than before, for progressive improvement.

For the present, now at the commencement of your labors for the good of the State, I ask your attention especially to the reports of the asylums, and of the penitentiaries, at Huntsville and at Rusk, that I may enter a plea for the unfortunates of the land—the lunatic, the deaf and dumb, the blind, the convict, and especially for the youthful criminal who has been led into crime by the bad example and teachings of older and worse people.

We have now on hand a large surplus of revenue—a thing that never occurred before in the history of this State; so large indeed, that the frequency lately of the robberies of banks and store-houses, and of people on the roads, suggested to me the propriety of having it guarded by a military force, that may now be seen in the capital enclosure, so that somebody should certainly be hurt, if the people's money, collected in the Treasury, should be attempted to be robbed.

I respectfully recommend that enough of this surplus revenue be appropriated to enlarge the Lunatic Asylum, so as to enable it to receive every lunatic in the State, and that promptly, for medical attention for relief, if practicable, and as a home if found incurable, of whom there are now not fewer than two or three hundred in jails and other places, suffering for want of proper care; to the institutions of the Deaf and Dumb and Blind, that those unfortunate classes of persons may have their misfortune alleviated, and of whom there are now not less than one or two hundred, that might be benefitted; and to the two penitentiaries, so as to make convicts, condemned to that sort of punishment, be sent to a place of penitence, and reform, in fact, and not as now to be placed in servile bondage; and to a reformatory institution for convicts under seventeen years of age, that should not, as now, be placed in contact with experienced and hardened felons. It can hardly be necessary in this age to present reasons for these objects, which must be esteemed, in any civilized country, the most deserving of charity and benevolence of any others, and as placing the State under the highest obligations for relief at the first moment it finds itself able to furnish it. Fortunately it now has the ability, by the use of this most fortunate surplus revenue, if it should be used for those purposes.

To enlarge the improvements of the Lunatic Asylum so as to receive all that should be in it now, will require an outlay of about \$200,000, as it has been estimated. To do the same in regard to the Blind and Deaf and Dumb Asylums will require about \$50,000 each. To finish improvements and furnish machinery for each one of the two penitentiaries will require about \$150,000 each, which will be seen from esti-

mate that will be furnished, and when completed they can gradually be filled up with convicts, as they can be utilized within the walls, numbering from twelve to fifteen hundred of them. And to provide a reformatory institution, embracing a small farm and workhouse with other things necessary, will require \$25,000 to \$50,000.

It is submitted that the State, having undertaken to give relief and make reform on these subjects, should not stop half way in the effort, but being now able should complete these things that have been begun so as to fully accomplish the objects designed, than which there could be nothing more creditable to her people, and it must be presumed more conformable to their patriotic aspirations.

These institutions are, each and all of them, under good management, and are, and have been, most satisfactorily and harmoniously conducted, with increasing usefulness, and increasing favor and appreciation, that give full assurance that the favor of the government will be profitably bestowed on them.

Respectfully submitted,

O. M. ROBERTS, Governor.

The secretary proceeded to read the message, when on motion of Senator Terrell, the reading of the same was suspended.

Senator Duncan moved that five thousand copies of the Governor's message be ordered to be printed, and that the Secretary be authorized to contract for the same. Adopted.

On motion of Senator Swain, two thousand copies of the Governor's message were ordered to be printed in German.

Senator Harris introduced a bill entitled "An act for the relief of all persons whose lands have been sold for taxes and bought in by the State." Referred to Committee on Public Lands.

Senator Buchanan of Grimes, chairman of Committee on Engrossed Bills, submitted the following report;

COMMITTEE ROOM,  
AUSTIN, January 14, 1881.

Hon. J. D. Sayers, President of the Senate:

Your Committee on Engrossed Bills have compared Senate concurrent resolution, allowing room in the Capitol building for the Western Union Telegraph office, and find the same correctly engrossed.

BUCHANAN of Grimes, Chairman.

On motion of Senator Ross, the Senate adjourned till 10 o'clock to-morrow morning.

#### FOURTH DAY.

SENATE CHAMBER,  
AUSTIN, January 14, 1881. }

Senate met pursuant to adjournment; Lieutenant-Governor Sayers in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

On motion of Senator Shannon, the reading of the journals of yesterday was dispensed with, and the same adopted.

Senator Homan, for the Committee on Public Printing, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, January 14, 1881.

Hon. J. D. Sayers, President of the Senate:

Your Committee on Public Printing, to whom was referred Senate resolution No. 2, providing for the printing of the journals of the Senate, have considered the same, and I am instructed to recommend its passage, with the accompanying amendment.

HOMAN, for Committee.

Amendment proposed by committee:

Strike out of resolution the words "and five hundred copies daily to be reserved for binding."

Resolution read and committee amendment adopted.

Senator Martin of Navarro, moved a division of the question. Carried, and the first division "providing for the print-

ing of five hundred copies of the journal of the Senate daily for the use of Senators," was adopted.

The second division providing that Senators may take not more than thirty copies of such papers daily as contain a synopsis of the proceedings of the Senate at a cost not to exceed three cents per copy, on a call for the yeas and nays, was adopted by the following vote:

YEAS—22.		
Buchanan of Grimes	Homan,	Shannon,
Buchanan of Wood,	Houston,	Stewart,
Burges,	Lightfoot,	Stubbs,
Burton,	Martin of Cooke,	Swain,
Cooper,	Moore,	Terrell,
Davenport,	Patton,	Weatherred,
Gooch,	Rainey,	Wynne.
Henderson,		
NAYS—8.		
Duncan,	Lair,	Ross,
Harris,	Lane,	Tilson.
Hightower,	Martin of Navarro,	
NOT VOTING.		
Powers.		

Senator Gooch offered the following resolution:

*Resolved*, That the chairman on the Committee of Constitutional Amendments shall be allowed a clerk for said committee when he finds his services necessary.

On motion of Senator Burges, the following amendment was adopted:

"That the Committee on Penitentiaries be allowed the same privilege."

And the resolution as amended, was adopted.

Senator Burton introduced a joint resolution "amending article 7, of the Constitution of the State of Texas, relating to education and the public free schools."

Read and referred to Committee on Education.

Senator Martin of Navarro offered the following resolution, which was adopted:

*Resolved*, That the chairman of the Committee on Finance be allowed a clerk, should he deem such clerk necessary.

Senator Houston introduced a bill to be entitled "An act to encourage the construction of artesian wells." Referred to Committee on Internal Improvements.

Senator Terrell, chairman of Judiciary Committee No. 1, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, JANUARY 14, 1881.

Hon. J. D. Bayors, President of the Senate:

Your Judiciary Committee No. 1 have had under consideration Senate bill No. 5, being "An act to give orders of sale foreclosing liens upon real estate, the force and effect of writs of restitution," and have instructed me to report it back to the Senate with the accompanying amendments, and, as amended, to recommend its passage.

Amend by substituting the word "possession" in lieu of the word "restitution" wherever it occurs, both in the caption and in the body of the bill. Also, add the following after the word "title" in the nineteenth line, to-wit: "as against the defendant in the suit for foreclosure, and those purchasing or holding such property under such defendant, pending such suit."

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, JANUARY 14, 1881.

Hon. J. D. Bayors, President of the Senate:

Your Judiciary Committee No. 1 have had under consideration Senate bill No. 4, being "An act to repeal article 451, chapter 6, of title 17, of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' and believing said article 451 to be in conflict with another provision of the statute (article 4760) relating to the same subject, have instructed me to report the bill back to the Senate and recommend its passage.

TERRELL, Chairman.

Bill read first time.

Senator Lane introduced a bill entitled "An act making the office of county surveyor an office of record." Referred to Judiciary Committee No. 1.

Senator Harris introduced a joint resolution to amend section 13, article 8, of the Constitution. Referred to Committee on Constitutional Amendments.

Senator Homan introduced a bill entitled "An act to pre-

scribe the requisites of indictments in certain cases." Referred to Judiciary Committee No. 2.

On motion of Senator Stewart, two hundred copies of the above bill were ordered printed.

Senator Homan introduced a bill entitled "An act making an appropriation for the mileage and per diem pay of members, and the per diem pay of the officers and employees of the Seventeenth Legislature." Referred to Committee on Finance.

Also, "An act making an appropriation to pay the contingent expenses of the Seventeenth Legislature." Referred to Committee on Contingent Expenses.

Senator Buchanan of Wood introduced a bill entitled "An act to prevent drunkenness, and temporary insanity produced by the excessive use of ardent spirits, from being plead in courts of justice in justification of criminal offenses committed in the State of Texas." Referred to Judiciary Committee No. 2.

Senator Duncan introduced a bill entitled "An act to amend articles 111 and 112 of chapter 5 of an act entitled 'an act to adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas,' passed at the regular session, A. D. 1879." Referred to Judiciary Committee No. 2.

Senator Cooper introduced a "Joint resolution proposing an amendment to section 21, article 5 of the Constitution of the State of Texas." Referred to Committee on Constitutional Amendments.

The following message was received from his Excellency the Governor:

EXECUTIVE OFFICE, STATE OF TEXAS,  
AUSTIN, JANUARY 14, 1881.

To the Honorable Senate and House of Representatives, in Legislature assembled:

Gentlemen—I herewith transmit to you a special message on subject of quarantine. This, though in the shape of a message, is in the nature of a report to the Legislature in relation to matters placed under control of the Governor. The Printing Board have had a sufficient number printed in advance for the use of the Legislature, which will be distributed.

Respectfully submitted,

O. M. ROBERTS, Governor.

THE STATE OF TEXAS, EXECUTIVE OFFICE,  
JANUARY 11, 1881.

To the Honorable, the Senate and House of Representatives, in the Legislature assembled:

The laws of the State having placed the Chief Executive in the attitude of the supervisor of the State quarantine operations, and required him to approve all of the accounts for expenses incurred in that business, for which the State is made liable, it has been thought proper to report somewhat in detail the means adopted under the law, and results attained during the two years of my administration of its affairs, with such recommendations as the experience of the past has suggested for the future.

#### QUARANTINE LAWS.

Two laws were passed in 1870 by the Legislature, making provision for quarantine upon the coast of Texas, to be declared and its continuance determined by the Governor. They contemplated that the city and town authorities on the coast should institute and conduct its operations, except that where it was needed at any place on the coast, where there was no such city or town, the Governor might appoint an officer and establish it. This was amended by a law in 1875, authorizing county courts, or counties on the coast, where there were no cities or towns, to control its operations. It seems to have been expected to be self-sustaining, by certain fees and fines to be levied and collected, and only the sum of \$10,000 was appropriated by the act of 1870 for any contingent deficiencies. An appropriation was continued from year to year, which by the act of 1875 was \$12,000. The fees being levied on the vessels were decided to be an interference with commerce, and were abandoned as a means of supporting quarantine. The accounts were then authenticated by the authorities controlling the quarantine stations on the coast, and were audited for payment by the Comptroller out of the annual appropriation.

The Governor was only required to declare the beginning and ending of quarantine and determine the length of time during which a vessel from an infected port should be detained. These laws recognize, without expressly granting, the right of any city or

town not on the coast to establish its own quarantine; but for the expenses of which no provision was or is made.

It is to be noticed that these laws make the distinction between the State quarantine on the coast, the expenses of which were paid by the State, and local interior quarantine, where they are not. This distinction is continued as the basis of the two laws passed in 1879, one in the regular and one in the special session, which have greatly enlarged the provisions for, and operations of, quarantine in Texas. The State quarantine extends, or may be extended when necessary, to all of the exterior borders of the State; the powers and duties of the Governor are enlarged; provision made for an advising physician to aid the Governor; all of the expenses are to be paid by the State; still the authorities of the cities, towns and counties, controlling the quarantine stations, act as instrumentalities in carrying out the State quarantine during its continuance, and it is only upon their failure to enforce an efficient quarantine, that the Governor is required to take absolute control of the quarantine operations at any of the stations.

These laws can not be said to be definite and harmonious in their provisions, consequently much difficulty was encountered during the year 1879 in the effort to reduce the operations under them to a consistent system. Those difficulties were greatly increased by the early period in the spring of that year, when it became necessary to declare quarantine upon the coast, and shortly afterwards upon the eastern and northern borders of the State.

During six months, embracing all of the summer and parts of the spring and fall, almost daily attention was required to investigate facts, through the aid of Dr. Rutherford, the State health officer, who was kept repeatedly going from station to station on the coast, and to the interior border of the State, and to decide questions involving the most serious consequences. The magnitude of the business, so suddenly thrust upon us with so little time for preparation and systematic adjustment, caused a much greater expense than had ever been incurred before. Still the State was amply repaid by keeping the yellow fever out of the State.

In order to be better prepared for next season, there assembled at Galveston in April of this year, 1880, upon my invitation, most of the health officers of the coast, and some from the interior, for the purpose of mutual consultation and co-operation, who organized and passed resolutions expressive of their united views. With the benefit of them, added to my previous experience, I issued the following "quarantine proclamation" which I here insert, because it will convey a better idea of the quarantine operations of the season just passed, than can be given by any other explanation, and because it was acted on without alteration and without any difficulty during the whole season, from the tenth of May to the tenth of November.

#### QUARANTINE PROCLAMATION.

No. 1—1880.

EXECUTIVE OFFICE,  
AUSTIN, TEXAS, April 27, 1880.

BE IT KNOWN, that I, O. M. Roberts, by the authority vested in me as Governor by the laws of this State, do hereby declare quarantine to exist, and to be enforced on the coast of Texas, at the stations hereinafter mentioned, to commence from and after the tenth day of May, A. D. 1880, and to continue until closed or modified by direction of the Governor.

*First*—Said quarantine shall be applied to any vessels sailing from, or touching at, any port or place south of north latitude twenty-five degrees, and entering any port of the coast of Texas, and also to vessels sailing from ports north of that degree of latitude, so soon as they or any one of them shall have been declared to have infectious disease, liable to be carried in said vessels, their passengers, cargoes or crews; and should the health officer at any of such of our coast stations be satisfied of the existence of such infectious disease at a port or ports or place north of that degree before it is so declared, he shall have authority to detain the vessel and report the facts to the Governor for his action thereon.

*Second*—The said quarantine is to be enforced under the following rules:

**RULE 1.** All vessels arriving at any of said coast stations shall come to anchor, and not be allowed to weigh anchor, until boarded by the quarantine officer of the station.

**RULE 2.** Said vessels shall be detained long enough for thorough and exhaustive sanitary inspection by the medical officer, and shall not move from the station until granted free pratique by said officer.

**RULE 3.** It shall be the duty of the medical officer to ascertain every possible fact pertaining to the sanitary condition of said vessel, its crew, passengers, and cargo, that might endanger the inhabitants of this State; and in all cases of doubt the vessel shall be placed in quarantine twenty days from the date of inspection, and in cases of sickness of infectious or contagious character said vessel shall be detained in quarantine twenty-five days after all such disease on said vessel has disappeared; and if in any case the health

officer should be satisfied that a detention for a longer time than here prescribed is necessary for safety, he must forthwith report the facts to the Governor.

**RULE 4.** Any contemplated modifications of Rule 3 at any of such ports shall first be submitted to the Governor for his action, to be granted only upon such conditions as to expense, and under such regulations as may be prescribed, so as to secure positive safety, which action shall govern all ports alike, upon similar conditions, regulations, and restrictions, as nearly as may be found practicable.

*Third*—All vessels coming from infected ports, laden with such articles only as will not convey yellow fever, such as the following:

Iron and steel not covered with cloth or paper;

Bacon in bulk, or in hogsheds or boxes;

Lard in barrels, kegs, or metallic vessels;

Salt of every description;

Lime and cement in bulk or barrels;

Sulphates of zinc, iron, copper, and potassa, or their chlorides and carbonates, may be admitted upon such conditions, regulations, and restrictions as may be stipulated beforehand for the admission of such vessels at any port, and proper arrangements made therefor under such directions as may be sanctioned by the Governor.

*Fourth*—Vessels coming empty from infected ports for shipping cattle may be admitted at any port after complete arrangements have been made to insure positive safety, under such conditions, regulations and restrictions as may be prescribed beforehand upon application therefor.

*Fifth*—The station at Sabine Pass will be under the control, for quarantine purposes, of such health officer and other agents and employees as may be appointed by the county judge and commissioners' court of Jefferson county. The pass at Galveston to be under the control of the board of health of said city, and such health officers, agents and employees as they may appoint for quarantine purposes. The stations at the mouths of the Brazos and Bernard rivers, and San Luis Pass, to be under the control of the county judge and commissioners' court of Brazoria county, and such health officer, and guards, and employees as they may appoint. The station at Pass Cavallo to be under control of the corporate authorities of Indianola, and such health officer, agents and employees as they may appoint. The station at Aransas Pass, and that at Corpus Christi Pass, to be under the control of the city authorities of Corpus Christi, and such health officer, agent and employees as they may appoint. The station at Brazos Santiago and at the mouth of the Rio Grande, so far as Texas has a right thereat, to be under the control of the city authorities of Brownsville, and such health officer, agents and employees as they may appoint; and said city authorities shall also, whenever it may become necessary for quarantine purposes, make provision for guarding and assuming control of all crossings of the Rio Grande leading to said city, of which, however, notice of its necessity shall forthwith be given to the Governor for his sanction or disapproval. The municipal authorities of the city of Houston and the board of health appointed by them, if any, to have control of that city and such other points in the county of Harris as leads to it, and with authority to appoint a health officer and such employees as may be required whenever it shall become necessary, and not before, to establish a quarantine there for the protection of that city and the country in rear of it, of which notice is requested to be given to the Executive for his action thereon.

*Sixth*—The local authorities thus recognized as taking control of each of said stations are requested to make contracts with said officers and employees, consulting therein both efficiency and economy, and provide such things otherwise as may be deemed necessary for the service, subject to the approval of the Governor, and promptly report the same to him, with names of persons, their duties, the prices agreed on, and cost of things purchased; and whenever any addition to or change is required to be made, that is also to be promptly reported. They will also approve all accounts admitted to be just, and forward them to the Governor for his approval, specifying the nature of the service or the object for which accounts have been made; and as soon as practicable furnish him a rough sketch on foolscap paper of the station at each port, showing by the relation and names of places how the quarantine arrangements have been made and carried on for the safety of the country.

*Seventh*—All vessels arriving at any port of Texas from any port south of the twenty-fifth degree of north latitude should be taken to be doubtful as to the safety of admitting it, unless, in reference to that particular port south of the twenty-fifth degree of north latitude, it has been shown beforehand that no infectious diseases prevailed at that place when the vessel left it, or a reasonable time before, and it is so authoritatively declared upon full information sent to this office.

*Eighth*—The respective boards and health officers should give heed to the instructions and advice of the National Board of Health and its officers, given in aid of the State quarantine, not disregarding,



however, the more rigid and restrictive rules herein required and made necessary by the nearness of our coast to the tropics.

*Ninth*—Any vessel coming from a port or place north of the twenty-fifth degree of latitude, and which has not been south of it during this season, or which has been properly disinfected, after being there, and contains a cargo that has recently been brought from a port or place south of that latitude, or from an infected port north of it, which cargo has been properly disinfected, of which satisfactory information must be furnished to the health officer at any Texas port, may be admitted after thorough inspection and no suspicion of danger is entertained; but if there has been no proper disinfection of the vessel, when necessary, and of the cargo, the vessel must be regarded as doubtful and treated as such; and passengers or crew recently from south of said latitude would give the vessel the same doubtful character. And when quarantine shall have been declared upon the land borders of the State, the same precautions must be taken in regard to all tropical productions and to passengers and employees transported in railroad cars or steamboats or other vessels into Texas.

*Tenth*—Whenever any preparations shall be made for disinfecting vessels, or vessels and cargoes, at any station on the coast, or on the land borders of the State, they must be submitted with full descriptions to the Governor, who will pass upon them with the aid of the advising physician, who shall have first inspected them, and in all such cases perfect safety must be assured before they will be taken charge of by the health officer at any such station for use, and then under such conditions, regulations and restrictions as may be stipulated.

*Eleventh*—The respective boards and officers acting under them will please examine and observe the laws of this State relating to quarantine, both in the Digest of Civil Statutes and in the General Laws of the Sixteenth Legislature, and all civil officers and citizens are respectfully requested to aid said officers in the enforcement of the laws and regulations under them for the safety of the people of the State against the terrible ravages of infectious diseases, and especially of yellow fever, to which we are the more subject from our southern locality and long warm weather in spring, summer and fall months.

*Twelfth*—Being invested with the great responsibility of aiding and protecting the lives of the people of Texas from infectious diseases entering our borders on the gulf and on land, with the aid of an advising physician, I respectfully solicit information from any good citizen, at any station port or place, in or out of Texas, in relation to anything relating to quarantine, which after investigation may be believed to endanger the safety of the country against contagious diseases.

*Thirteenth*—In anticipation of the possibility of the fellow fever or other infectious disease entering the territory of the United States at some point north of the twenty-fifth degree of north latitude, the following directions are hereby requested to be observed, so as to promptly establish a quarantine on the eastern and northern borders of the State as soon as it may become necessary, and to be then, and not until then, put in force and practical operation:

The county commissioners' court of Orange county will take control of the station at the railroad crossing of the Sabine river, near the town of Orange, and of the other crossings of said river leading to Texas in said county, and appoint a health officer, agents, guards and employees therefor. The corporate authorities of Marshall will take like control of the station at Waskum, at the crossing of the Texas and Pacific railroad of the Texas line, and of other crossings of said line in Harrison county, and appoint a health officer, guards and employees in like manner. So the corporate authorities of Texarkana will take control of the station on the railroad at that place, and at such other crossings of Red river and the State line as are in Bowie county, and appoint a health officer, guards and other employees therefor. And so the corporate authorities of Denison will take control of the station where the railroad crosses Red River near that place, and other crossings into Grayson county, and appoint a health officer, guards and employees therefor in like manner, and be ready to take action of themselves upon receiving reliable information that the yellow fever has appeared at any place within the interior of the United States; and until more specific directions are given from this office they will enforce the quarantine regulations as nearly as practicable against any such infected places as are herein prescribed for the stations on the coast of Texas.

By the Governor: O. M. ROBERTS,  
[L.S.] T. H. BOWMAN, Governor.  
Acting Secretary of State.

#### ORGANIZATION OF QUARANTINE, 1880.

Pursuant to the directions in this proclamation, a quarantine was established at the following stations: At Sabine Pass, by the county commissioners' court of Jefferson county; at Galveston, by the board of health of that city; at the mouth of the Brazos and Bernard rivers, and at San Luis Pass, by the county commissioners' court of Bra-

zorin county; at Pass Cavallo, by the city authorities of Indianola; at Aransas Pass and at Corpus Christi Pass, by the city authorities of Corpus Christi; at Brazos Santiago, and at the mouth of the Rio Grande, by the city authorities of Brownsville.

Said authorities furnished me with a sketch or rough drawing of locality of their stations, with their surroundings, appolated health officers, employed guards, boatmen, and made such other arrangements as were necessary for the business. During the season it was found necessary to establish stations and place guards at Palacios, on Matagorda peninsula, who were employed and under the control of the county commissioners' court of Matagorda county.

After the completion of the railroad connecting New Orleans with Texas, and after the second case of yellow was reported in that city, the county commissioners' court of Orange county, at my request, placed a health officer on duty at their station, near the Sabine river, for inspection and to be ready for action, should it become necessary, who was continued in service until the end of quarantine.

About the same time also, Dr. A. P. Brown, upon my request, was put on duty of inspection at Jefferson, in Marion county, Texas, by, and under the employment and pay of the National Board of Health, as it had been done during the quarantine season of 1879.

The health officers at the respective stations during this year were Dr. A. P. Brown, at Jefferson; Dr. D. C. Hewson, at Orange; Dr. A. B. Chamberlain, at Sabine Pass; Dr. M. R. Brown, at Galveston; Dr. R. G. Turner, at the mouth of the Brazos and Bernard rivers, and at St. Luis Pass; Dr. F. K. Fisher, at Pass Cavallo; Dr. T. S. Burke, at Aransas Pass, and Dr. S. A. Wolf, at Brazos Santiago and at the mouth of the Rio Grande.

It is with pleasure that I bear witness to the diligent and intelligent performance of their duties by these officers, and to the profound interest taken in the subject by the respective boards and officers having immediate control of the stations.

#### EXPENSES OF QUARANTINE.

The law of 1879 provided that the State should pay all the expenses of quarantine. This, with the other provisions then made, materially changed and increased the expenses to be borne by the State, and relieved the cities and towns from most of the expenses previously paid by them. The expression in the law, that no health officer should receive more than ten dollars per day, tended to increase the expenses by fixing that as the standing. While at some stations the services were well worth that amount, at others they were not. Still the liberality of the local authorities ran up their wages to the highest point in every station on the coast, except those under the control of the commissioners' court of Brazoria county. Another provision of the law constrained me to recognize this, which was that any health officer appointed by the Governor could receive only \$100 per month, which would not have been adequate compensation at stations, where \$300 per month was too much.

Again, emergencies would arise, especially during the year 1879, before we had reached anything like a complete organization, wherein there was no time and opportunity to weigh the amount of expenses that seemed to be required against the protection of the lives of our people against the scourge of yellow fever.

In the year 1870, the yellow fever having appeared in Memphis and in New Orleans, it was necessary to establish quarantine at Orange, Waskum, Texarkana and Denison, where from the lack of proper arrangements, much expense was incurred, although health officers and their assistants were employed at them, at a reasonable price. As a consequence of all these things, and others that might be enumerated, the expenses in 1870 exceeded the annual appropriation of \$20,000 considerably, as shown by the Comptroller's report, and those of 1880 much less, partly because it was not necessary to establish quarantine generally at the interior stations.

Deficiency for 1879.....	\$6,735 21
Deficiency on buildings.....	2,845 05
Deficiency for 1880.....	2,582 43

#### THE QUARANTINE HOUSES.

By an act of the special session, which went into effect on the ninth day of July, 1879, an appropriation of \$7000 was made in addition to that of the regular session of \$5000, making in all \$12,000, for the erection of quarantine buildings at Brazos Santiago, Corpus Christi, Galveston, Indianola, Sabine Pass, Orange, Denison, Texarkana and Marshall.

Under the law, the "medical health officer of the State" having been placed "entirely under the direction and control of the Governor" (Dr. R. Rutherford having been appolated to that position), the business of letting out contracts, and otherwise attending to this business was entrusted to him simply because my other duties rendered it impossible for me to attend to it myself. The buildings at Denison, Texarkana and for Marshall were let out and completed at a reasonable price, and as soon as practicable, but not in time to have been of great service in 1879. The buildings at Sabine pass, Galveston, Pass Cavallo, Aransas Pass and Brazos Santiago, which

were the stations under the control of the places mentioned in the act, were, perhaps unfortunately, let out to one man, or to one firm of builders, who delayed a completion of their erection until the spring of this year, 1880, and consequently none of them were of much use during the year 1879. That one at Brazos Santiago was so situated as that it was blown to pieces during the first storm after its erection in the present year, and another place for quarantine purpose had to be provided on the wharf, owned by a private company.

The buildings for Galveston were located on Pelican island, approachable only in very shallow water, and have not been used as a quarantine station either during this or the preceding year. No buildings have been erected at Orange, the reason of which will now be made to appear on account of a deficiency of the appropriation for buildings, which occurred in this way: From the numerous and somewhat confused provisions of the act of the special session of 1879, section 3, it was construed at the Comptroller's Office that the appropriation of \$7000 therein made was liable for some of the general expenses of quarantine, and not exclusively for buildings; and, while that construction of the law prevailed, quite a considerable number of other items of expense were paid out of that appropriation of \$12,000 for building, which resulted in a deficiency thereof.

#### SHIPPING BEEF CATTLE TO HAVANA.

At the station at Indianola, during the quarantine season of 1879 and 1880, beef cattle were shipped in the trade between that port and Havana, in Cuba, the shippers paying the extra expense of a guard, appointed by the city authorities of Indianola, to superintend it, and to see that it was safely done.

It was done after the most stringent regulations, and restrictions were prescribed by Dr. R. Rutherford, after he had visited the port, inspected and approved of all of the arrangements made for doing it. This trade in both of said years was of very great benefit to the people of that section of the State, especially during the year 1879, when there was a considerable failure of crops.

Similar arrangements were made late in the season of 1880 for that trade at Palacios, but little, if anything, was done at that place.

The vessels came empty to the quarantine station, were disinfected, and stood off until the wharf was cleared and everything ready to transfer the cattle from the railroad cars on the wharf and into the vessel, which was superintended by a guard, who saw to it that there was no communication from the vessel to the shore.

This was successfully carried out during parts of both years 1879 and 1880, at Indianola.

#### THE NATIONAL BOARD OF HEALTH.

It is proper that I should acknowledge my obligations to that board for benefits and courtesy shown me as the head and director of quarantine operations in Texas during the last two years, and especially for the valuable information and advice conveyed to me by Dr. Beemis, a member of said board, located at New Orleans, upon whose advice and information, always furnished when requested, I have greatly relied in my action on this subject. Jefferson, in Marion county, though situated on a navigable stream in connection with New Orleans, was not made by statute one of the stations provided for, and, upon my application, that place was supplied by the National Board of Health in 1879 and 1880.

Said board heretofore, since their institution by an act of Congress, have been acting in aid of the local boards of the States, with means to supplement any deficiency in the several States. By the impartial information, which they are in situation to give, as to the existence of infectious diseases, and on the subject of quarantine generally, which they have formulated into a system, they have thus far been of most essential benefit to those in Texas, administering the quarantine laws of this State. There has recently been manifested a public sentiment in certain sections of the country, which, from the correspondence I have had, I am justified in saying, is not participated in by said National Board; which is, that the Congress of the United States should assume exclusive control and management of the exterior quarantine operations, as a subject of national concern within its appropriate powers.

To this I desire to enter here my solemn protest, both on expediency and on principle. First, it might be made instrumental in the destruction of the commerce of our seaports, by the agency of officers, over whom this State would have no control, either in their appointment, or their conduct. Second, the right to protect the lives of the people of this State from contagious diseases being imported into it through the channels of commerce, has never been, and can never be, safely delegated to any other government than our own.

It is true that Congress has had delegated to it the power to regulate commerce, and the delegation is general—without any expressed limitation—still, to that, as well as to the general power to raise and maintain armies, there is a necessarily implied limitation when it comes in conflict with the exercise of the reserved right of the State to protect, by the use of all reasonable means, the lives of its own

inhabitants from contagious diseases which may be imported through the channels of commerce. Congress may well establish quarantine stations upon our coast to facilitate, and thereby to aid, in regulating commerce with the infected ports of other countries and the administration of quarantine operations there in disinfecting vessels and cargoes, duly certified to, might be respected in our ports just as they are when certified to by the quarantine authorities in New York and in New Orleans, when our boards of health and health officers shall have been first satisfied that it would be safe to do so. It is suggested that upon the nine acres of land, under shallow water contiguous to the channel, some distance east of the east end of Galveston island, lately ceded to the United States for a light-house, would be an appropriate place for a station for national quarantine, and that of the State being placed upon or near the east end of said island, they might co-operate in facilitating commerce and the protection of the lives of the people from contagious diseases; and that national stations also might facilitate the commerce of other ports of Texas when the means of disinfecting vessels and cargoes may have not been provided. If, however, Congress should pass and enforce a law prohibiting foreign vessels from passing a quarantine station, established and regulated under a law of its own, and by officers appointed by the general government, the commerce of Texas will be regulated by the will of majorities one thousand miles north of this State. The consequences may be better imagined than can now be fully told. You are respectfully referred to the subjoined recommendations for the remedy, in part at least, proposed to obviate the necessity of the general government to supplement the State's deficiency in the promotion of its own peculiar interests.

#### RECOMMENDATIONS RELATING TO QUARANTINE.

##### First—Deficiencies.

By the mistake previously referred to in construing the law, there is a deficiency in the building appropriation to pay part of the accounts for the buildings that were erected, amounting to \$2845.21, the money intended for that having been applied to other expenses of quarantine. I therefore recommend that an appropriation be made to pay that as well as the other deficiencies in quarantine expenses exhibited in the Comptroller's report for both years amounting to \$9317.64.

##### Amendment of the Laws.

There are five laws upon the subject, passed at different sessions of the Legislatures. An examination of them will show that they have not the consistency and distinctness that the present importance of the subject demands, and which might now be attained from our late experience in their execution. I therefore recommend that they be revised and consolidated into one act, with such amendments and additions as may be deemed proper. And by way of addition I respectfully recommend that provisions be made for a State board of health, which shall be given control of all State quarantine regulations, with the president or secretary thereof to have an office in the capitol, and receive an annual salary for his services. This may be so devised as to not increase the expenses of the State quarantine, and still have the advantage of collecting the statistics of health from all parts of the State, besides managing the quarantine operations of the State when necessary.

##### Amendments in regard to Quarantine Stations.

I have been notified by those having control of the railroad crossing the river near Orange, that they would erect on this side of the Sabine river, suitable buildings for disinfecting freights coming from New Orleans, when the yellow fever might prevail in that city, to which I have answered that I had no objection to it, provided the health officers of this State were given control of the operations at said stations.

It is of the first importance to the commerce of this State that the trade with the tropical ports in Mexico, the West Indies and Brazil, should not be shut out from our ports during the six months of the year, when it would be most profitable, by the prohibition quarantine arrangements that we now have to establish, in order to protect the lives of our citizens in Texas. Our ports are the appropriate channels of trade with all of those countries, not only for this State, but for the country one thousand miles or more northwest of it. Our breadstuffs, meats, vegetables and fruits would find a ready market in those countries, to be paid by exchange for their coffee, sugar, molasses, fruits and other articles of commerce, passing through our ports. The city of New York never stops its trade with Rio Janeiro, Havana, Vera Cruz, or any of the tropical ports, because there have been there provided suitable buildings and other arrangements for disinfecting vessels and cargoes coming from infected ports, at a quarantine station, whose operations render such a commerce safe.

New Orleans has a similar station for the same purpose.

With our ports closed against this trade for six months in the year,



and the railroads traversing all parts of the State, directed and operated in a way to sweep the commerce of this State into the ports and cities of other States, Texas must continue to suffer an immense loss of wealth and prosperity in trade, to which her natural position entitles her.

I therefore respectfully, though urgently, recommend that measures be taken at once for the erection of suitable quarantine establishments at all of the passes leading to our ports, of which we have five, to-wit: Sabine Pass, Galveston Pass, Pass Caballo, the mouth of the Brazos, Aransas Pass and the pass at Brazos Santiago.

It will be for you to devise the means of doing this, should it be undertaken.

I would suggest, as one means, that companies of persons interested in the commerce of said ports and passes, might be chartered, with authority to erect said buildings, to be compensated in a grant of land upon completion, as it is now made to railroad companies. One million of acres of land, devoted to this purpose, would be far more beneficial to the State, in facilitating and promoting its commerce, than the same amount to railroads, and the railroads themselves would perhaps receive the greatest benefit from it by the increase of freight in the commerce thereby directed through our ports. When we shall have shown that we have in earnest made preparation to carry on this trade through our ports, it may very greatly encourage and strengthen the efforts of our delegation in Congress to get liberal appropriations for our ports and harbors.

If the appropriations by Congress for that purpose, made since 1846, at our annexation to the United States, are looked to, it will be found that we are greatly in arrears, and that during that time the ports of the North have had appropriated to them hundreds of thousands of dollars to thousands only in the South, and comparatively little to Texas, and that little has, for the most part, been wasted in misdirected efforts. Let Texas do what falls within her province, to show that our ports are prepared to receive and handle commerce flowing and to flow through them during the whole year, and our ports will be made accessible by deep-water channels.

Respectfully submitted,

O. M. ROBERTS, Governor.

Senator Homan introduced a bill entitled "An act to amend article 316, of the Penal Code of the State of Texas." Read by caption and referred to Judiciary Committee No. 2.

A message was received from the House, announcing the passage of the following resolution:

*Resolved*, That the votes for Governor and Lieutenant-Governor of the State of Texas be counted at 4 o'clock P. M., January 14, 1881, in the Representative Hall, and the Senate be invited to meet the House in this hall at said hour, to witness said count, and that the Speaker appoint three members as tellers to count said vote.

Senator Terrell offered the following resolution:

*Resolved*, That the Secretary of the Senate notify the House of Representatives of the acceptance by the Senate of the invitation to meet the House in the Representative Hall, to witness the opening and reading of the returns of the election for executive officers of the State; and that three tellers, who shall be indicated by the President of the Senate, shall be present at the counting of said vote.

Resolution adopted, and Senators Buchanan of Grimes, Homan and Burton appointed by the President as tellers on the part of the Senate.

Senator Duncan, chairman of the Committee on Contingent expenses, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, January 14, 1881.

Hon. J. D. Sayers, President of the Senate:

Your Committee on Contingent Expenses, to whom was referred Senate bill No. 11, the same being "An act making an appropriation to defray the contingent expenses of the Seventeenth Legislature," having considered the same, beg leave to report said bill with the recommendation that it pass.

DUNCAN, Chairman.

Bill read first time.

On motion of Senator Duncan, the rules were suspended and the bill placed upon its second reading by the following vote:

YEAS—26.

Buchanan of Grimes	Davenport,	Houston,
Buchanan of Wood,	Duncan,	Lair,
Burges,	Henderson,	Lane,
Burton,	Hightower,	Lightfoot,
Cooper,	Homan,	Moore,

Patton,  
Rainey,  
Ross,  
Shannon,

Stewart,  
Stubbs,  
Swain,  
Tilson,

Weatherred,  
Wynne.

NAYS—none.

NOT VOTING—4.

Gooch,  
Harris,

Martin of Cooke,

Martin of Navarro.

Bill read second time and ordered engrossed.

Rule further suspended and bill placed upon its third reading by the following vote:

YEAS—24.

Buchanan of Grimes,  
Buchanan of Wood,  
Burton,  
Cooper,  
Duncan,  
Henderson,  
Hightower,  
Homan,

Houston,  
Lane,  
Lightfoot,  
Martin of Navarro,  
Moore,  
Patton,  
Rainey,  
Ross,

Shannon,  
Stewart,  
Stubbs,  
Swain,  
Terrell,  
Tilson,  
Weatherred,  
Wynne.

NAYS—none.

NOT VOTING—6.

Burges,  
Davenport,

Gooch,  
Harris,

Lair,  
Martin of Cooke.

Bill read third time and passed by the following vote:

YEAS—26.

Buchanan of Grimes,  
Buchanan of Wood,  
Burges,  
Burton,  
Cooper,  
Davenport,  
Duncan,  
Gooch,  
Harris,

Henderson,  
Hightower,  
Homan,  
Houston,  
Lair,  
Lane,  
Lightfoot,  
Moore,  
Patton,

Rainey,  
Shannon,  
Stewart,  
Stubbs,  
Swain,  
Terrell,  
Weatherred,  
Wynne.

NAYS—none.

NOT VOTING—4.

Martin of Cooke,  
Martin of Navarro,

Ross,

Tilson.

Senator Stewart introduced a bill entitled "An act to amend article 4205, chapter 9, title 84, of the Revised Civil Statutes, adopted February 21, 1879." Referred to Judiciary Committee No. 1.

Senator Lane, chairman of the Committee on Finance, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, January 14, 1881.

Hon. J. D. Sayers, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 8, entitled "An act making an appropriation for the mileage and per diem pay of the members, and the per diem pay of the officers and employees of the Seventeenth Legislature," have considered the same and instruct me to report the bill back with the recommendation that it pass.

LANE, Chairman.

Bill read first time.

On motion, the rule was suspended, and the bill placed on its second reading, by the following vote:

YEAS—28.

Buchanan of Grimes,  
Burges,  
Burton,  
Cooper,  
Davenport,  
Duncan,  
Gooch,  
Harris,  
Henderson,  
Hightower,

Homan,  
Houston,  
Lane,  
Lair,  
Lightfoot,  
Martin of Cooke,  
Martin of Navarro,  
Moore,  
Patton,

Rainey,  
Ross,  
Shannon,  
Stewart,  
Stubbs,  
Terrell,  
Tilson,  
Weatherred,  
Wynne.

NAYS—none.

NOT VOTING—2.

Buchanan of Wood, Swain.

Bill read second time and ordered engrossed.

Rules further suspended and bill placed on its third reading, by the following vote:

## YEAS—27.

Buchanan of Wood,	Hightower,	Rainey,
Buchanan of Grimes	Homan,	Ross,
Burton,	Houston,	Shannon,
Cooper,	Lair,	Stewart,
Davenport,	Lightfoot,	Stubbs,
Duncan,	Martin of Cooke,	Swain,
Gooch,	Martin of Navarro,	Terrell,
Harris,	Moore,	Tilson,
Henderson,	Patton,	Weathered.

NAYS—none.

NOT VOTING—3.

Burges, Lane, Wynne.  
Bill read third time and passed by the following vote:

## YEAS—29.

Buchanan of Grimes	Davenport,	Hightower,
Buchanan of Wood,	Duncan,	Homan,
Burges,	Gooch,	Houston,
Burton,	Harris,	Lair,
Cooper,	Henderson,	Lightfoot,
Martin of Cooke,	Ross,	Terrell,
Martin of Navarro,	Shannon,	Tilson,
Moore,	Stewart,	Weathered,
Patton,	Stubbs,	Wynne.
Rainey,	Swain,	

NAYS—none.

NOT VOTING.

Lane.

Senator Lightfoot introduced the following resolution:  
*Resolved*, That the Committee on Public Printing be instructed to contract for the printing of 3000 copies of the address of Lieutenant-Governor Sayers, for the use of the Senate.  
Adopted.

On motion of Senator Duncan, the Senate adjourned till 3:30 p. m. to-day.

## AFTERNOON SESSION.

The Senate met at 3:30 p. m., pursuant to adjournment.  
Roll called; quorum present.

Senator Buchanan of Grimes, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, January 14, 1881.

Hon. J. D. Sayers, President of the Senate:

Your Committee on Engrossed Bills have examined Senate bill No. 9, "An act making an appropriation to defray the contingent expenses of the Seventeenth Legislature," and find the same correctly engrossed.

BUCHANAN of Grimes, Chairman.

COMMITTEE ROOM,  
AUSTIN, January 14, 1881.

Hon. J. D. Sayers, President of the Senate:

Your Committee on Engrossed Bills have examined Senate bill No. 8, "An act making an appropriation for the mileage and per diem pay of the members and the per diem pay of the officers and employees of the Seventeenth Legislature," and find the same correctly engrossed.

BUCHANAN of Grimes, Chairman.

Senator Houston introduced a bill entitled "An act regulation juries in capital cases." Referred to Judiciary Committee No. 2.

At 4 p. m. the Senate repaired to the House to meet in joint session for the purpose of counting the vote for Governor and Lieutenant-Governor.

## IN JOINT SESSION.

Roll called; quorum present.

The opening of the votes for Governor and Lieutenant-Governor and counting the same was proceeded with, the tellers on the part of the Senate—Senators Buchanan of Grimes, Homan of Burleson, and Burton of Fort Bend—in connection with those of the House, proceeding to perform said duty. After the count had proceeded for a considerable time, and not being able to complete, on motion of Representative McComb of Montgomery, the joint session

adjourned to meet to-morrow morning in the hall of the House at 10 o'clock.

The Senators then proceeded to their chamber, when, on motion of Senator Gooch, the Senate adjourned till 9:30 a. m. to-morrow.

## FIFTH DAY.

SENATE CHAMBER,  
AUSTIN, January 15, 1881. }

Senate met pursuant to adjournment; Lieutenant-Governor J. D. Sayers in the chair.

Roll called; quorum present.

Prayer by the Chaplain.

On motion of Senator Duncan, the reading of the journal of yesterday was dispensed with, and the same adopted.

Senator Burton introduced a petition signed by a large number of citizens of Fort Bend county, praying that Fort Bend county may be included in an inspection district, that they may have an inspector of hides and animals, and setting forth that the stockmen of Fort Bend county are suffering irreparable injury from the want of such inspector. Referred to the Committee on Stock and Stockraising.

Senator Martin of Cooke, chairman of the Committee on Public Lands, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, January 15, 1881.

Hon. J. D. Sayers, President of the Senate:

Your Committee on Public Lands, to whom was referred Senate bill No. 6, entitled "An act for the relief of all persons whose lands have been sold for taxes, and bought in by the State," have considered the same, and instruct me to report the bill back to the Senate with the recommendation that it do pass, the committee being of opinion that the relief sought to be extended is urgently demanded in all sections of the State, and can work no diminution of the revenues.

MARTIN of Cooke, Chairman.

Bill read first time.

Senator Gooch introduced a bill entitled "An act to amend article 4662, chapter 1, title 95, of the Revised Civil Statutes of the States of Texas, so as to reduce the ad valorem State tax to the rate of forty cents on the hundred dollars." Read by caption and referred to Committee on Finance.

Senator Stewart offered the following resolution:

WHEREAS, The Comptroller of Public Accounts has from time to time in his annual reports reported certain items of indebtedness as of doubtful validity; therefore, be it

*Resolved*, That a special committee of five Senators be appointed, whose duty it shall be to inquire into the origin of such indebtedness, how it was contracted, to whom it was due in the first instance, and the manner of its disposition as made by preceding Legislatures, and that said committee report the result of their investigation at the earliest practicable moment.

Adopted, and Senators Stewart, Patton, Wynne, Homan and Shannon appointed as such committee.

Senator Wynne introduced a bill entitled "An act to amend chapter 4, title 9, of an act entitled 'an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas,' passed by the Sixteenth Legislature of Texas." Referred to Judiciary Committee No. 2.

Senator Swain introduced a bill entitled "An act to amend article 1587, title 32, chapter 12, of the Revised Civil Statutes of the State of Texas." Referred to Judiciary Committee No. 1.

Senator Ross introduced a bill entitled "An act to amend article 1547, of the Revised Civil Statutes, passed February 21, 1879."

Senator Buchanan of Wood introduced a bill entitled "An